

REMARKS

Claims 1-4 are pending in this application.

Claims 1-4 stand rejected.

Rejection under 35 U.S.C § 102:

Claims 1-4 stand rejected under 35 U.S.C § 102 (e) as anticipated by Ho et al. (US2004/0033689). The rejection is respectfully traversed.

Claim 1 recites, *inter alia*, marking patterns corresponding to predetermined groups of dummy patterns for counting dummy patterns. Applicants respectfully submit that Ho does not disclose the above-claimed feature.

Examiners states that “Ho discloses marking patterns (Figs. 6 and 7, 102a) to correspond to predetermined groups of the dummy patterns. If the prior art structure is capable of performing the intended use, then it meets the claim.” Applicants respectfully disagree that the numeral 102a in Figs. 6 and 7 of Ho is capable of performing the intended use (i.e., a demarcation of any group of dummy patterns, see, e.g., Fig. 5) of the present invention.

Applicants respectfully submit that 102a is not one of marking patterns. In stark contrast, 102a is a single alignment mark. The single alignment mark 102a does not correspond to predetermined groups of dummy patterns. See Fig. 6 of Ho. To correspond to predetermined groups of dummy patterns, there must be at least two marking patterns. See, e.g., Fig. 5 of the present application. As such, with the single alignment mark 102a, a demarcation of any group of dummy patterns is not possible.

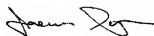
Therefore, Applicants respectfully submit that claim 1 is not anticipated by Ho.

Claims 2, 3 and 4 depend from claim 1. Claims 2, 3 and 4 include the elements of the independent claim and therefore is not anticipated by the cited reference for at least the reasons given above.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-4 under 35 U.S.C § 102 (c) and claims 1-4 are in condition for allowance.

For the foregoing reasons, the present application is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully requested. The Examiner is invited to contact the undersigned if he has any questions or comments in this matter.

Respectfully submitted,



Frank Chau
Reg. No. 34,136
Jaewoo Park
Ltd. Rec. No. L0302
Attorney for Applicant(s)

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889